

Secretary Noah Valenstein
Florida Department of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, FL 32399-3000

Re: FDEP's Biosolids Rules (Chapter 62-640, F.A.C.)

Dear Secretary Valenstein:

On behalf of the Board of County Commissioners of St. Lucie County (Board), I am sending you this letter to emphasize the Board's concern about biosolids and their impacts on Florida's water quality. We respectfully request you and the Florida Department of Environmental Protection (FDEP) to significantly strengthen the FDEP rules that govern the use of biosolids (Chapter 62-640, F.A.C.). Although we appreciate the FDEP's ongoing efforts to improve these rules, we believe the FDEP's proposed rule amendments are not sufficient to protect Florida's water resources.

In 2007 the Florida Legislature enacted the Northern Everglades and Estuaries Protection Program, based on the Legislature's finding that "it is imperative for the state, local governments, and agricultural and environmental communities to commit to restoring and protecting the surface water resources of the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed. . ." (See Section 373.4595(1)(d), Florida Statutes). In 2007 the Legislature recognized that action must be taken "immediately" because these watersheds are "critical water resources of the state." Notwithstanding the Legislature's findings, the water quality in these watersheds has deteriorated dramatically over the last 12 years. The recurring algae blooms in these watersheds emphatically demonstrate that Florida's regulatory programs are not protecting our critical water resources.

Under the FDEP's regulatory program for biosolids, Class AA biosolids are exempt from virtually all of the requirements applicable to Class A and Class B biosolids. (See FDEP Rule 62-640.850, F.A.C.). These exemptions in Chapter 62-640 should be eliminated. All biosolids, including Class AA biosolids, contain nutrients (nitrogen and phosphorus) that leach into ground water and surface water. All biosolids, including Class AA biosolids, have the potential to contribute to the nutrient loadings in Florida's waters.

We support the FDEP's pending proposals for improving its biosolids program; however, the FDEP should do more. Among other things, the setbacks and operating requirements for sites managing Class B biosolids should be applied to sites that manage Class AA biosolids. Nutrient management plans and water quality monitoring should be required at sites where Class AA biosolids are land applied. Water quality monitoring should be required at sites where Class B biosolids are used to create compost (i.e., Class AA biosolids).

At a minimum, these proposed requirements for the management of Class AA biosolids (i.e., setbacks, operational limits, water quality monitoring, reporting) should be implemented in areas where the FDEP has adopted a Basin Management Action Plan for nutrients or the FDEP has otherwise determined that the receiving waters are suffering from excessive nutrient loadings. In addition, in all areas of Florida, the distribution and use of Class AA biosolids should be tracked and reported.

The South Florida Water Management District (SFWMD) recently announced a plan to significantly increase its water quality monitoring program in the regional watershed. We applaud the SFWMD's

efforts, but the SFWMD's data collection program will only provide part of the information that is needed for an effective regulatory program. To supplement the SFWMD's activities, the FDEP should require water quality monitoring by the owners/operators of sites where biosolids are managed and used. Obtaining water quality data from these sites (i.e., at the point of discharge into the region's waterbodies) will provide essential information about these potential sources of water pollution. Without monitoring, it will be very difficult for the FDEP to accurately assess the magnitude of the water quality impacts associated with a site or facility that uses biosolids.

Florida's algae blooms make it clear that a "presumption of compliance" with water quality standards should no longer be relied upon by the FDEP or the Florida Department of Agriculture and Consumer Services (FDACS) when the agencies evaluate sites where biosolids are managed. Sites using biosolids, including Class AA biosolids, need to affirmatively demonstrate that they are not causing or contributing to water quality problems. The best way to make that demonstration is through water quality monitoring.

St. Lucie County already has spent \$70 million on projects that will improve water quality in the St. Lucie River watershed. We estimate that the County's taxpayers will need to spend an additional amount of nearly \$1 billion to comply with the FDEP's recent revisions to the BMAP for the St. Lucie Estuary. In effect, our taxpayers are being asked to pay for water quality impacts that have resulted from historic shortcomings in the FDEP and FDACS regulatory programs. Since it is much more cost effective to control pollution before it is released into the environment, we have concluded that the FDEP should take a more aggressive and proactive approach toward the regulation of biosolids, before the current water quality problems become worse. Adopting this approach will provide environmental and financial benefits to the State of Florida that will vastly outweigh the financial impacts of new regulations.

St. Lucie County's specific comments about the proposed FDEP rules were summarized in a letter that our staff sent you on July 24, 2019. Additional comments were submitted to the FDEP by Martin County and Indian River County. Copies of those letters are attached for your reference.

Thank you for carefully considering our comments, as well as the ones submitted by Martin County and Indian River County. We look forward to working with you and the FDEP on these exceptionally important issues. Please feel free to contact our County Administrator, Howard Tipton, at (772) 462-1156 if you have any questions about our proposals.

Sincerely,

Linda Bartz, Chair

Governor Ron DeSantis (GovernorRon.DeSantis@eog.myflorida.com)

Kristin Gousse, FDEP (Kristin.Gousse@dep.state.fl.us)